

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

00 AUG 23 11 51 AM

U.S. DISTRICT COURT
N.D. OF ALABAMA

JENNY BARNES,

)

PLAINTIFF,

)

VS.

)

CV00-H-2165-S

BROOKWOOD HEALTH SERVICES,

)

DEFENDANT.

)

jm
ENTERED
AUG 23 2000

MEMORANDUM OF DECISION

The court has before it the August 22, 2000 joint motion to stay these proceedings pending arbitration. The documents attached to the motion satisfy the court that this action was improperly instituted in that the parties are obligated to utilize final and binding arbitration as a full and exclusive remedy for the claims embodied in this action. No useful purpose can be served by simply staying these proceedings and the pendency of these proceedings during arbitration could have a chilling effect on that proceeding. An order of dismissal will be entered. Such dismissal will be without prejudice to either party commencing an action in federal court to enforce the award of the arbitrator should such be necessary.

DONE this 23rd day of August, 2000.

James H. Hancock

SENIOR UNITED STATES DISTRICT JUDGE

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